C.F. 71 & 72.

19 33

Department of Lands

OFFICE Boards &c

STATION Blackall

Ins No. 125

Dated 4 Feb 33

A

	Date	Initial
To whom sent	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on*	

(SUBJECT.)

South Bellary / Bellary Pool - Co. Upon -

Boreen Downs Resumptions - Ephemeral -

Adverse decisions -- Official correspondence

* Not to be filled in in the case of permanent records.

C.F. 32

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

A 1319

Received *Registered*

From (Name) F. W. Stewart Esq., C.I.E., I.C.S.,

(Designation) Collector of Bellary,

Post Box ____, (Station) Bellary.

Telegraphic Address ____

BOARD OF REVENUE
28 APR 1933
LAND REVENUE AND SETTLEMENT

To The Secretary to the Commissioners,

Land Revenue and Settlement, Madras.

Ref C. *No.* 4907/32, *dated* 21st April 1933

Sir,

Enclosures (Nine)

P.C.F. (B)

Spare Copies ____

Suits- Bellary District Court- O.S. 16/32- Bogum Murta Sani's properties- escheat -decided in favour of the ~~genuiness~~ genuiness of the will.

Ref:- B.F. Mis 3226 dated 3-11-1932.

The District Judge held that the will was proved and decreed the suit with costs. Copies of the judgement and decree are enclosed.

2. There is no use in filing an appeal as the witnesses on behalf of Government did not speak to the necessary facts. The Government Pleader also says that the deceased has a brother which renders the property not liable to escheat.

27.4.33

for Collector.

K.H. 24/4

25.4

3/

IN THE COURT OF THE DISTRICT JUDGE OF BELLARY.

Present:- J.C. Stodart Esquire, I.C.S., District Judge.

Wednessday the 15th day of February 1933.

Original suit No116 of 1932.

(Original Petition No. 11 of 1932.)

In the matter of the will of Vakkala Murthemma-deceased.

Vallur Venkappa. Plaintiff.

Against.

The Secretary of State for India in Council represented by the Collector of Bellary ... Defendent.

This suit coming on for final hearing on 14th and 15th days of February 1933 before me in the Presence of Mr. P.Venkatasubba Rao Pleader for the plaintiff andof Mr. R. Subhapathi Rao for Mr. T. Raghava, Government pleader for the defendent, the Court delivered the following judgement:-

A suit to establish the will of one Moorthisani who died at Bellary on the 29th December. The Secretary of State for India is the defendant. His case is that the deceased died intestate and left far more in the shape of jewels than the plaintiff has disclosed.

The issues are:-

I. Was the will executed by the deceased ?

II. If so, did she execute it with knowledge of its contents and at a time when she was in a sound disposing state of mind?

2. The will is dated 28th december. It purports to be executed with the thumb mark of the testator andher name is written beside the thumb mark. It is attested by four persons.

3. Plaintiff's two witnesses are two out of the four attesting witnesses. One is a next-door neighbour of the deceased and the other lives quite close by. They prove execution and also that testator had full knowledge of the contents of the will. They say that they not only saw the testator execute the will but also were present when it was written to her instructions . Nothing is elicited against the credit of these witnesses and they appear to me to be truthful witnesses. P.T.O.

4. The beneficiary, the plaintiff, by name Venkappa who files this suit is a kamma by caste. In the will it is recited that the testator was his kept mistress for 28 years. The plaintiff's witnesses and one of defendant's witnesses corroborate this. Defendant's 2nd witness whose demeanour is bad says that deceased was kept by other people besides Venkappa. Deceased was suffering from consumption for years past and it is very unlikely that a women in her state of health was a public woman. I am not sure that I quite understand the relevancy of this part of defendant's case. In any event it is established that the deceased lived under the protection of Venkappa, the plaintiff. The will which leaves everything to Venkappa is not improbable.

On the defendant's side there is no attempt to lead evidence to invalidate the will. The two witnesses examined merely say that they did not hear about it at the time. It is argued that nobody heard about the will till steps were taken by the Government to escheat the property, but the persons who moved the government in the first instance in the matter of escheat may very well have done so because they knew about the will and wanted to cause Venkappa trouble. That is what, in my opinion has happened.

Far from the existence of evidence on the side of the defendant tending to discredit the will, the defendant's witnesses agree with those of the plaintiff on the one circumstance which calls for investigation.

Testator admittedly died about 7-30 A.M. on the 29th december She is said to have executed the will on the forenoon of the 28th Was she well enough on that day to execute a will and to understand it ? Defendant's witnesses agree with plaintiff's witnesses that she was moderately well on the 28th.

I find both issued in favour of the plaintiff. I hold the will is proved and decree the suit with costs. Letters of administration will issue with the will annexed.

Pronounced in open court this 15th day of February 1933.

Sd. J.C.Stodart.

District Judge.

P.T.O.

5/

List of witnesses examined for-plaintiff:-

1. Matam Guru Basayya 2. Boogoorappa.

For Defendant:- 1. Kristappa. 2. J. Hanumanthappa.

List of Exhibits filed for plaintiff:-

A/28-12-31. Suit will (Executed by Moorthisani in favour of Vallur Venkappa).

For defendant:-

I/7-1-32. Copy of the petition by Junjurampalli Hanumappa (D.W.2) addressed to the District Magistrate of Bellary sent to the Superintendent of Police, Bellary.

II/26-1-32. Notice given by the Tahsildar of Bellary to Venkappa and five others.

III./4-2-32. Reply given by Mr. P. Venkatasubba Rao, pleader on behalf of Vallur Venkappa to the notice exhibit II.

Sd/ J.C. Stodart.
District Judge,

True Copy,

27.4.33
Sr. Collector

26/4

7

In the Court of the District Judge of Bellary.

Present:- J.C. Stodart Esquire, I.C.S., District Judge.

Wednesday the 15th day of February 1933.

Original Suit No: 16 of 1932.

(Original petition No: 11 of 1932)

In the matter of the will of Vakkala Murthemma- deceased.

Between:- Vallur Venkappa son of Venkatappa, 50 years of age Kamma caste, land lord, resident of Bellary.... Plaintiff.

and

The Secretary of State for India in Council represented by the Collector of Bellary..... ..... Defendant.

Petition dated 12th February 1932 under Section 232 (a) of the Indian Succession Act XXXIX of 1925 praying that the plaintiff (petitioner) be allowed to prove the will made by the deceased Vakkala Murthemma, in common form and that Letters of Administration to the property and credits of the said deceased with the said will annexed to have effect throughout the Presidency of Madras be granted to him.

Decree:- This suit coming on for final hearing on the 14th and 15th days of February 1933 in the presence of Mr. P. Venkata Subba Rao Pleader for the plaintiff and Mr. K. Sabapathy Rao for Mr. T. Raghava, Government Pleader for the defendant this Court doth ~~xxxxxxx~~ order and decree that Letters of Administration with a copy of the will annexed do issue in the name of the plaintiff to have effect throughout the whole of the Presidency of Madras and that the defendant do pay Rs 48-14-0 to the plaintiff for his costs in this suit.

Costs of suit.

Plaintiff's costs.		Defendant's costs.	
Stamp on Vakalat.	Rs 1-0-0		
Process fee.	7-8-0	Government Pleader's Fee	Rs 45-0-0
Subsistence allowance for witnesses.	4-8-0		
Vakil's fee(claimed)	30-0-0		
Gazette Notification. Charges.	5-4-0		
Process writing fee	0-10-0		
	48-14-0		

Given under my hand and the seal of the Court this 15th day of February 1933.

(Signed) J.C. Stodart.
District Judge.

True Copy,

27 u 33

In. Collector

mls
26.4

Subject. 9

R. F. XXII-A-19—28,004—15-3-32 (6)

FOR MEMBER.

Smith (Bellary) Bellary Dt. Ct.
Os 46/32 Bgaum. Munic. &c
for B.H.C. - Sabeal - Adverse decision.
Appeal - allowed.

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. _____, From the A 1319/33. No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Govt No. 1250, dated _____ 193

The Board agrees with the Collr. that no appeal should be preferred against the decision of the Dist Court. Collr. Roll

3/5-35

G
4.5

Ex. Bellary.

M
5/5

Appeal from order of Govt. — Do not write

N.A. File

Swiss (Bellary) Bellary Mr. [illegible]

G.S. 15/32. Begum Murtaza [illegible] case

for Sporty Adverse decision. Appeal.

Pol. Sec. A 319/33

To Assn. Secy

Please see the [illegible]

at P.I.C.

[illegible]

reply to the Govt. in para 2 of his

letter at P.I.C. on a/final [illegible]

more necessary. For orders,

29.4.33

I agree. 28/4/33 S

A.H./29.4.33.

Ins.

(Local enquiry can't have been thorough — neighbours spoke to the genuineness of the will)

Mps.

30.4.33

2 MAY 1933

[illegible]

To Pty

Draft [illegible]

31/8/33